

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

CP07-101. Conditional Use Permit to construct a four-story 69-unit residential care and service facility (senior assisted living) with a below grade parking garage on a 0.5 gross acre site located on the southwest corner of Bascom Avenue and Surrey Place. (Lena Basso, Owner / Sunrise Senior Living, Developer) Council District: 9

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **April 21, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **April 1, 2008** and ends on **April 21, 2008**.

A public hearing on the project described above is tentatively scheduled for **April 21, 2008 at 6:30 p.m.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Cambrian Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Martina Davis** at (408) 535-3555.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 4/1/2008

Deputy

PUBLIC HEARING NOTICE

The Planning Commission of the City of San José will consider a **Conditional Use Permit** at a public hearing in accordance with the San José Municipal Code on:

Monday, April 21, 2008
6:30 p.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

The project being considered is:

CP07-101. Conditional Use Permit to construct a four-story 69-unit residential care and service facility (senior assisted living) with a below grade parking garage on a 0.5 gross acre site in the CP Pedestrian Commercial Zoning District, located at the southwest corner of Bascom Avenue and Surrey Place (2517 S BASCOM AV)(Basso Lena Trustee & Et Al, Owner; Sunrise Senior Living, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents along with a draft permit and recommendations will be available for review during the week of the public hearing from 9:00 a.m. to 5:00 p.m., Monday through Friday at:

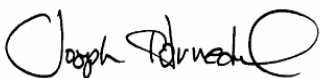
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-7800

<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 535-7800 (Voice)/TTY# (408) 294-9337 at least 48 hours before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 277-3068. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.** The decision of the Planning Commission may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Martina Davis**, at the e-mail address: martina.davis@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

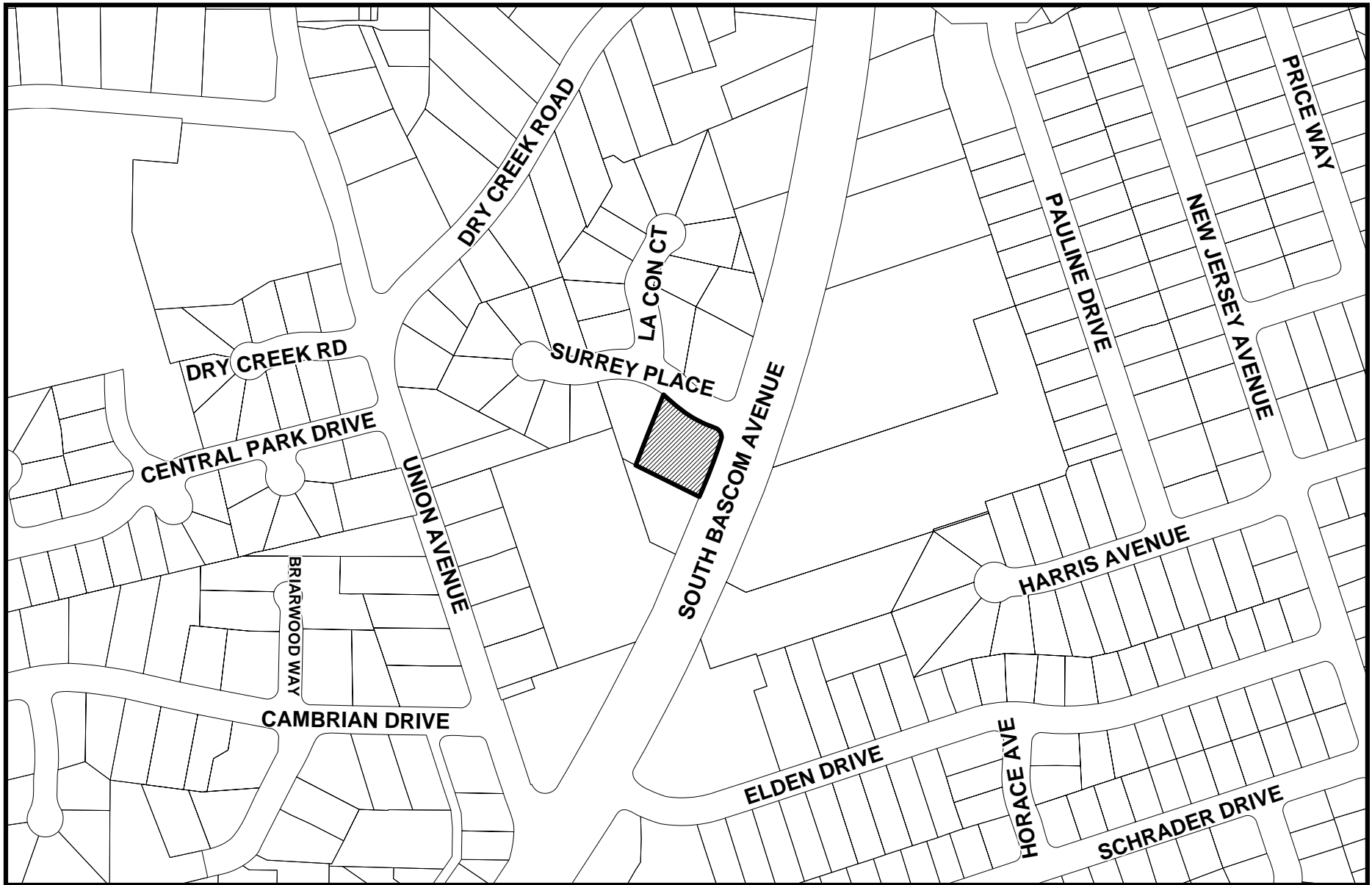


Joseph Horwedel, AICP

Director

Dated:

Noticing Radius: 1000 ft



Scale: 1"= 300'

Map Created On: 12/06/2007

Noticing Radius: 500 feet

File No: CP07-101

District: 9

Quad No: 113

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: CP07-101 - Sunrise Senior Living Facility

PROJECT FILE NUMBER: CP07-101

PROJECT DESCRIPTION: Conditional Use Permit to construct a four-story 69-unit residential care and service facility (senior assisted living) with a below grade parking garage on a 0.5 gross acre site and subsequent permits

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southwest corner of Bascom Avenue and Surrey Place (2517 S BASCOM AV); 412-24-009

COUNCIL DISTRICT: 9

APPLICANT CONTACT INFORMATION: HMH Engineers, Inc, Attn: Ray Hashimoto; 1570 Oakland Road, San Jose, CA 95131; (408) 487-2200

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IV. BIOLOGICAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- V. CULTURAL RESOURCES** –
- a. There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.
 - i. If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
 1. If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)
- VI. GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VII. HAZARDS AND HAZARDOUS MATERIALS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- VIII. HYDROLOGY AND WATER QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- IX. LAND USE AND PLANNING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- X. MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. NOISE** –
- a. The project shall incorporate partial-height noise barriers that block the line of sight between the roadway and residents at third and fourth floor balconies along South Bascom Ave. The effective barriers would be approximately 42-inches or taller, be solid from bottom to top with no cracks or gaps, and have a minimum surface density of 3 pounds per square foot as stated in the report prepared by Charles M. Salter Associates Inc., dated January 23, 2008. Details should be determined during the design phase.

- b. The project shall be constructed in conformance with the STC rating recommendations for windows and doors as contained in the report prepared by Charles M. Salter Associates Inc., dated January 23, 2008 and to the satisfaction of the Director of Planning, Building and Code Enforcement, including the following:
 - i. STC 28 sound rated windows and exterior doors and door assemblies are required. Dual-pane windows are required for windows closest to South Bascom Ave. Not all units will require sound rated windows, prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units will to ensure that interior noise levels can be sufficiently attenuated to 45 DNL.
 - ii. All units shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL.
- c. The following measures shall be implemented by the project developer and/or construction site supervisor to reduce potential construction noise impacts to surrounding neighbors:
 - i. Notify neighbors of the schedule and type of equipment used for each phase of construction;
 - ii. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
 - iii. Locate noisy stationary equipment (i.e., generators or compressors) away from neighboring residences;
 - iv. Require that all construction equipment be in good working order and that mufflers be inspected for proper functioning;
 - v. Require that vehicles and compressors turn off engines when not in use;
 - vi. Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
 - vii. Utilize available noise suppression devices and techniques as appropriate, in conformance with General Plan policy; and
 - viii. Designate a construction noise coordinator who would be available to respond to complaints from neighbors and take appropriate measures to reduce noise.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **April 21, 2008**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____
Deputy

Adopted on: _____
Deputy

MND/JAC 8/26/05